1890-016 Chancery Causes: Adm. of A. J. Ely vs. Adm. of William Smith &c
Lee Co.

Cox, Pennington, Parsons, Turner, Doss, Carter, Cooney, Johnson,
Robbins, Collier, Collin

CA-Debt
T-Property

-Deed

To the Hon. H. S. K. Morison, Judge of the Circuit Court for Lee Co., Va.

Humbly complaining, your orator F. B. Cox admr. of the estate of A. J. Ely dec'd. for himself and all others alike interested would respectfully represent unto your honor that in the year 1889, A. J. Ely departed this life intestate; that your orator in the county court of said county at the term thereof for 1889, was appointed, qualified and executed bond according to law as the administrator of the said A. J. Ely, and by virtue thereof took possession of his estate. A copy of the order making your orator such administrator and his bond are here filed marked "A" for the inspection and consideration of your honor.

Your orator will further show your honor that on the 19th day of Oct. 1883 one Wm. Smith made executed and delivered to your orator's intestate a bond whereby he bound himself to pay the said A. J. Ely the sum of $71.93 one day after the date of said bond, which bond is here filed as exhibit "B"; that said Smith departed this life also about a year ago intestate, seised in fee-simple of a small tract or parcel of land lying and being in Lee County on the waters of North Fork and containing some 40 to 50 acres; that at the

August term, 1890 of the county court of Lee County administration of said Smith's estate was committed to A. M. Pennington of Lee Co. Va.; that as such admr. nothing your orator is aware of, ever went into said admrs. hands; that said Smith in his life time nor did the said Adminr. pay to the said A. J. Ely, or to your orator, said sum of money or any part thereof, but that the same is yet unpaid and due your orator, as admr. as aforesaid.

Your orator will further represent unto your honor that on the death of the ~~death~~ said Wm. Smith, he left surviving him ~~Nine~~ children, to wit: 1 who married one Alfred Johnson, 2 Wm. O. Smith, 3 T. P. Smith 4 John Smith, 5 Francis who married Zion Parsons, 6 Mary who married one John L. Carter, 7 America who married one Stephen Doss, and 8 Sallie who married one George Cooney, and Joseph E. Smith; that since the death of said Wm. Smith Johnson, Joseph E. Smith ~~and~~ Wm. O. Smith died intestate, the said Johnson left surviving her as her heirs at law eight children, to wit Sarah who married one Patton Collier, 2 Mary who married John Robbins, 3 Emily ~~Turner~~ who married one N. G. Turner, 4 Joseph

Johnson, 5 Vesta Johnson, 6 Goly Johnson 7 John Johnson and 8 Nancy Johnson

Wm O Smith left surviving him four children James Smith, Jackson Smith Cora Smith and David Smith as his heirs at law*, to all of whom your orator is advised that said land descended subject to the payment of the indebtedness of said Wm Smith

Your orator alleges and avers that the personal estate of the said Wm Smith is greatly insufficient to pay off his indebtedness, for he was not only indebted to your orator as the Admr. of said Ely, but to many and divers other persons; that his personal estate in the hands of his said Admr. and the rents and profits of his said real estate will not in five years pay off his indebtedness and the costs of this suit.

Your orator will further represent unto your honor that James Smith, 2 Jackson Smith, 3 Cora Smith David Smith, 5 Tennessee C. Smith, 6 Sarah Smith 7 America Smith, 8 Rebecca Smith 9 Martha Smith 10 Flora Smith, Joseph Smith, 12 Emmet Smith, 13 Joseph Johnson 14 Vesta Johnson, 15 Goly Johnson, John Johnson 16 and 17 Nancy Johnson are infants under 21 years of age.

Now your orator's object in this bill

* and Joseph C. Smith died surviving him Eight children & viz Tennessee C. Smith, Sarah Smith, America Smith, Rebecca Smith, Martha Smith, Flora Smith, Joseph Smith and Emmet Smith as his heirs at law

is to have is to have all the creditors of said Wm. Smith convened before one of your honor's commissioners ~~of the county~~, so that the amount and nature of such indebtedness may be fully ascertained and to whom due; to have a decree rendering judgment in favor of your orator against said admr. for his said debt; to have a settlement of the administration account of said A. N. Pennington; to have an application of any funds that may be in the hands of said admr. to the payment of said decedents debts; and to have said decedents real estate sold for the purpose of paying off your orator's said debt, due him as the admr. of said Eley, as well as any other creditors debt that may be found due from said Wm. Smith's estate.

And, in as much, as your orator is remediless in the premises, save in a court of equity, his prayer is that the said A. N. Pennington admr. of said Wm. Smith, Tobias Smith[2], John Smith[3], Francis Parsons[4], Zion Parsons[5], N. G. Turner[6] Emily Turner[7], Stephen Doss[8], America Doss, John L. Carter[10], Murray Carter[11] George Cooney[12] Sallie Cooney[13], David Smith[14], Cora Smith[15], Jackson Smith[16], James Smith[17], Emmett Smith[18], Joseph Smith[19], Flora Smith[20], ~~Mar~~Conntha Smith[21]

Rebecca Smith 22, America Smith 23, Sarah Smith 24, Tennessee C. Smith 25, Nancy Johnson 26, John Johnson 27, Goly Johnson 28, Vesta Johnson 29, Joseph Johnson 30 John Robbins 31, Mary Robbins 32, Tallen Collins 33 and Sarah Collins 34 be made parties defendants to this bill of complt., and be required severally to answer the same on oath, as fully and particularly as if each of them had been specially interrogated thereto and that a guardian ad litem be assigned by the court to the said infant defendants, in order to defend them in this suit.

And your orator further prays that the said A. N. Pennington may be required to render before one of the comrs. of this court a true & perfect account of his actings & doings as adm. of the said Wm. Smith, decd.; that an account be made of the assets and liabilities of the said Wm. Smith; that your orator as adm. of said Ey be decreed the payment of his said debt; that an application be made of the personal funds in the hands of said adm., and that a decree be rendered directing a sale of said land. And that such other and general relief be granted your orator as will be proper and equitable in this cause. May Spa. issue &c., And he will ever pray &c

E. W. Pennington p. q.

G. A. L.	$5=	Pd
Sheriff	17.00	
Fox	1.50	Pd
Gibson	.75	Paid
Clerk	7.35	Pd
Atty	15.00	Paid
	48.60	
	17.00	
	31.60	
	2.50	Paid
	$34.10	

F. B. Coy Admr

vs. } Bill In Chancery

A. N. Pennington Admr &c et al

Dismissed by Plaintiff

To the Hon. H. S. K. Morison Judge of circuit court for Lee County.

The joint answer of James Smith, Jackson Smith[2], Cora Smith[3], David Smith[4], Tennessee C. Smith[5], Sarah Smith[6], America Smith[7], Rebecca Smith[8], Martha Smith[9] Flora Smith[10] Joseph Smith[11], Emmet Smith[12], Joseph Johnson[13], Verta Johnson[14], Goly Johnson[15], John Johnson[16], and Nancy Johnson[17] by J. A. G. Hyatt their guardian ad litem, appointed to defend them in this suit, to a bill of complaint exhibited against them and others in said court by F. B. Cox admr, &c.

These respondents for answer to said bill by their said guardian ad litem answer & say.

That they are infants of tender years and by reason thereof are in law, incapable of understanding or of taking care of their interests; They therefore by their said guardian ad litem commend themselves and their rights and interests to the protection of the court and pray that no decree may be entered to their prejudice.

Now having fully answered your said respondents pray to be hence dismissed with their reasonable costs in this behalf expended and they will ever pray &c.

J. Thos A. G. Hyatt
guardian ad litem for said infants.

P. Blair admr &c

vs } Answer G. A. L.

A. N. Pennington admr &c &c

Filed 2nd Oct. rules 1890

J. A. L. Hyatt C.

This Indenture made this the 14th day of June 1860, between Jacob Hoover of Lee county and State of Virginia of the one part, and William Smith of the county and State aforesaid of the other part. Witnesseth, that the said Jacob Hoover hath for and in consideration of the sum of two hundred dollars to him in hand paid, the receipt whereof is hereby acknowledged, have bargained sold and delivered unto the said William Smith a certain tract or parcel of land containing fifty acres be the same more or less, and patented in the name of John Crabtree on the 13th day of Decr, 1819, and lying in Lee county on the North side of the Stone mountain and on both sides of the North Fork of Powells River, and bounded as followeth to wit: Beginning at a large fine white oak, beech berry, tree mapole, white walnut and 3 sugar tree saplings, near the foot of the stone mountaine a few hundred yards above the Cain patch, as called for in the Location thence N 20 W 24 poles crossing the fork to 3 white oaks, beech and poplar, N 80 W 56 poles to a auber and sugartree at the foot of a hill. S 57 W 140 poles to the poplar pine, dogwood and beech, on the bank of the wolf harker branch where it forms a junction with the fork, and up said branch North 38 W. 34 poles to pointers S 50 W 44 poles to a large poplar, buckeye, white oak and sugartree sapling S 20 E crossing the Fork 40 poles to a stake N 70 E 240 poles to the Beginning togeather all its appurtenances thereunto belonging to have and to hold the said tract of land with all its appurtenances to the said William Smith forever and the said Jacob Hoover doth covenant with the said William Smith and warrant generally the land hereby conveyed, Witnesseth whereof the said Jacob Hoover have hereunto set his hand, and seal the year and day above written

Jacob his mark Hoover (Seal)

Va Lee County to wit:- I Tobias S. Pennington a Justice of the peace for the county aforesaid do certify that Jacob Hoover whose name are signed to the writing above bearing date on the 14th day of June 1860 personally appeared before me, in my county and acknowledged the same Given under my hand this June the 18th day 1860,

Tobias S. Pennington J.P.

Lee county court clerks office the 25th day of June 1860. This indenture of bargain and sale for land between Jacob Harber of the one part and William Smyth of the other part was admitted to record upon the certificate of a Justice of the peace for Lee County.

Teste H. J. Morgan Clerk

A copy
Of the Record

Teste John R. Gibson
Clk

Wm Smyth
Frm Copy Deed
Joseph Hoover
Deed Book 15
P. 18

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon A. N. Pennington Admr. of the estate of Wm. Smith dec'd Tobias 2 Smith, John 3 Smith, Frances 4 Parsons, Zion 5 Parsons, N. G. 6 Turner, Emily 7 Turner Stephen 8 Doss, America 9 Doss, John L. 10 Carter, Mary 11 Carter George 12 Cooney, Sallie 13 Cooney, David 14 Smith Cora 15 Smith Jackson 16 Smith, James 17 Smith, Emmet 18 Smith, Joseph 19 Smith, Flora 20 Smith, Lavina 21 Smith Rebecca 22 Smith, America 23 Smith, Sarah 24 Smith, Tennessee C. 25 Smith Nancy 26 Johnson John 27 Johnson Goley 28 Johnson, Vesta 29 Johnson Joseph 30 Johnson, John 31 Robbins, Mary 32 Robbins, Patton 33 Collier & Sarah 34 Collier, thereof

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in October next, being rule day to answer a bill in Chancery exhibited in our said Court against them by F. B. Cox Admr. of the Estate of A. J. Ely dec'd

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This 27th day of Sept. 1890, in the 115 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste J. A. G. Hyatt

34
.13
102
34
4.42

F. B. Cox admr &c

vs } Spa. In Chan.

A. N. Pennington admr &c

To 2nd Oct. Rules, 1890

Executed Oct 18 1890 By delivery coppys of the Within to all 34 of the within named A. N. Penington, Tobias Smith, John Smith^{3}, Francis^{4} Parton, Zion Parton^{5}, N. G. Turner^{6}, Emily Turner^{7}, Stevin Doss^{8} & America Doss, John L. Carter, Mary Carter, George Conny, Sallie Conny, David Smith, Cora Smith, A. Jackson Smith, James Smith, Emmet Smith, Joseph Smith, Flora Smith, Amelia Smith, Rebecca Smith, America Smith, Sarah Smith, Francis Smith, Nancy Johnson, John Johnson, Lody Johnson, Vesta Johnson, Joseph Johnson, John Robbins, Mary Robbins, Patton Collins and Sarah Collins

B. M. Pearson Dep-

uty for A. S. Munsey

S. Lee. Co.

.25
4.42
18
10
18
1.00
1.50
35
15
25
15
36
40
$9.35